

a cap portion having a top, a peripherally depending side wall having a radially inwardly extending peripheral lip that engages said bead undercut sealably securing said closure to said container, a material housed by said container is secured in said container by said cap portion; and

C2 a handle depending from said cap portion, said handle further comprising an upper portion, a lower portion, and a fulcrum portion there between said upper and lower portions; the method comprising the steps of:

providing a container; and

pressing said cap portion of the easy open closure apparatus firmly down over said bead until said peripheral lip engages said bead undercut.

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#### REMARKS

Claims 1 and 3 through 14 are pending in the present application.

Claims 1 and 3 through 14 are rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 3,794,207 to Hunt.

Hunt discloses a molded, one-piece snap-on closure opening device that is **integrally attached to and particularly adapted for use with one-piece plastic containers**. The cap 7 is connected to the plastic container body 6 via tether 8. On the opposite side of the container, opening tab 16 is connected to cap 7 via thin reduced portion 18. Cap 7 is removed from the container body by exerting pressure on opening tab 16 in a direction down and away from the container, thus forcing cap 7 up, away from the container.

Claim 1 recites an easy open, reusable, **removable** closure apparatus for a container. The container has a terminal end having an orifice and a radially outwardly extending bead having an outer surface and a radially outwardly extending undercut. The closure apparatus has a cap

portion having a top, a peripherally depending side wall comprising an inner surface that conforms to the bead outer surface and a radially inwardly extending peripheral lip that engages the bead undercut sealably securing the closure to the container. Material housed in the container is secured in the container by the cap portion. The cap portion has a handle depending from the cap portion.

Claim 13 recites a method of opening a container using the easy open, reusable, **removable** closure apparatus for a container having a terminal end having an orifice and a radially outwardly extending bead having an outer surface and a radially outwardly extending undercut. The reusable closure apparatus comprises a cap portion having a top, a peripherally depending side wall having a radially inwardly extending peripheral lip that engages the bead undercut sealably securing the closure to the container. Material housed in the container is secured in the container by the cap portion. The closure apparatus also comprises a handle depending from the cap portion. The handle further comprises an upper portion, a lower portion, and a fulcrum portion there between the upper and lower portions. The method comprises the steps of holding the container and the lower handle portion of the handle with at least one hand and depressing the lower handle portion toward the container until the peripheral lip disengages the bead undercut.

Claim 14 recites a method of reusing the easy open, reusable, **removable** closure apparatus for a container having a terminal end having an orifice and a radially outwardly extending bead having an outer surface and a radially outwardly extending undercut. The reusable closure apparatus comprises a cap portion having a top, a peripherally depending side wall having a radially inwardly extending peripheral lip that engages the bead undercut sealably securing the closure to the container. Material housed in the container is secured in the container by the cap portion. The reusable closure also comprises a handle depending from the cap portion. The handle further comprises an upper portion, a lower portion, and a fulcrum portion there between the upper and lower portions. The method of reusing the reusable closure apparatus comprises the steps of providing a container and pressing the cap portion of the easy open, reusable closure apparatus firmly down over the bead until the peripheral lip engages the bead undercut.

It is respectfully submitted that Hunt fails to disclose a **removable** closure apparatus that sealably secures a material housed in a container, as recited in claims 1, 13 and 14. As noted above, the Hunt closure is a one-piece closure that is **integrally attached** to and particularly adapted for use with one-piece plastic containers (col. 1, lines 6-19). To the contrary, the claimed closure apparatus is completely removable from the container that it sealably closes. As a result, the closure of the claimed invention has the distinct advantage of being completely removed from the container, thus avoiding the possibility of the closure apparatus interfering with the use of and/or contents of the container, once opened. In addition, the Hunt closure has limited application in that it is particularly adapted for use with one-piece plastic containers, and more particularly children's paint pots (col. 1, lines 35-37). To the contrary, the claimed closure is not limited to use on one-piece plastic containers, but can be used on essentially any container (specification, page 6, lines 20-22).

Also, to operate the closure in Hunt, the closure requires the use of two tabs, one on the cap portion and one attached to the container portion. The two tabs must operate in unison to push the cap away from the top of the container. The intersection of the two tabs forms the fulcrum. To the contrary, the claimed closure apparatus only requires one handle (tab) to remove the closure apparatus from the container. The fulcrum in the present invention is created between the handle and the container itself, and not between two handles (tabs), as in Hunt.

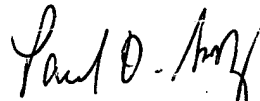
Another important distinction between Hunt's closure and the claimed closure apparatus is their respective methods of operation. Hunt's closure employs a standard inverse pressure sequence. Descending pressure on opening tab 16 in a southerly direction causes the cap 7 to move 180 degrees in an opposite, northerly direction. In contrast to this movement, pressure on the handle lower portion of the claimed closure apparatus in a lateral direction toward the side of the container, causes the cap portion to move 90 degrees, in an upward direction. To redirect an applied force back toward the source is simple. To redirect such force in a 90-degree direction away from the force is significantly more complex. Clearly, Hunt fails to anticipate this method of operation, as

recited in claim 13.

It is respectfully submitted that Hunt fails to anticipate the invention recited in claims 1 and 3 through 14. As such, Applicant respectfully requests reconsideration and withdrawal of the §102(b) rejection.

It is submitted that this is a full and complete response to the Office Action. Applicant respectfully requests reconsideration and withdrawal of all rejections of the claims and passage of this application to allowance.

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